July 26, 2001

California Energy Commission Docket Unit

1516 Ninth Street

Hearing Room A

Sacramento, CA 95814-5512

Re: Docket Number: 01- SIT-1p

It would appear that these proposed changes to the siting regulations are designed specifically to deny citizens the right to be heard, and to question and scrutinize actions of the California Energy Commission. This is still a democracy, although these efforts will greatly stymie the democratic process. A true democracy can only exist with a citizenry that is informed. These regulations strike at the heart of democratic principles by reducing the capacity for average citizens to be informed and to be heard. Thus the citizenry will become dependent on whatever the Commission deems appropriate, and will have no effective voice. We have learned through this power crisis that the Commission may well aggressively fill its mandate to provide energy resources, but is not as vigilant about the consequences of that mandate. We also learned that those who control the power resources are less concerned about the environment and thus the quality of life of citizens.

Section 1212:section 1(b) requires advance written communications before hearings, in order to more efficiently handle hearings. While efficiency may increase, the ability of average citizens to respond effectively will be greatly reduced, because notice of public meetings is rarely given to communities in a timely fashion. Previous efforts may meet the letter of the Brown Act, but certainly not the spirit.

Section (h) makes it possible for substantive discussion and decisions to be made without public notice, because it removes the restrictions of exchange of information only.

Section 1714.5 (d) gives extraordinary deference to other state agencies. Reading this one would think that the only persons capable of having accurate information and of making decisions are paid staff. We would be subjected to the decisions of staff with whom we would be unable to communicate in advance of their decisions. Further, staff are protected from public scrutiny. This modification is the height of arrogance.

Why is Section 1741 (1) being removed and replaced with a new (1), which greatly reduces standards for determining adverse environmental effect of CEC decisions? …"Reasonably necessary…. certified only if benefits…outweigh its unavoidable adverse effects" is a bureaucratic statement that clearly allows staff's opinion to prevail. There is nothing in the statement that assures standards, nor evidence to support the decision. How would staff identify benefits, and then weigh them against unavoidable adverse effects? The same way that staff indicated the Baldwin Energy No. 1 plant benefits would "outweigh unavoidable adverse effects" when staff never considered the geologic instability of the area, nor the State's own rules governing building on that site?

I urge you to reconsider these ill advised modifications in the interest of the public's right to know. In order for us to be a informed citizenry, we must have access to information, to public officials, to staff reports and ultimately, access to the decisions and rationales for actions, of those who represent State government on various Commissions, committees and in various agencies.